Kruthers, Heather H. (for Public Administrator – Administrator/Petitioner)

First and Final Account and Report of Administrator of Estate Already Distributed

DOD: 08/23/02			PUBLIC ADMINISTRATOR, Administrator, is	NEEDS/PROBLEMS/COMMENTS:
			Petitioner.	
				Note: Letters were first issued on 10/13/02 to
			Petitioner states:	Brian Costales.
Co	nt. from		 Petitioner was appointed as successor 	
	Aff.Sub.Wit.		Administrator of the estate by minute	
✓	Verified		order of this Court on 11/15/13. Letter of	
✓	Inventory		Administration were issued on 11/25/13.	
	PTC		2. Decedent left a will dated 02/26/91	
	Not.Cred.	=	disposing of property within the jurisdiction of this Court, however, it is	
	Notice of Hrg	=	reported that the estate was already	
 		w/	distributed to the devisees.	
-	Aff.Pub.	VV/	3. Inventory & Appraisal filed 12/05/02	
-	Sp.Ntc.		listed the only asset of the estate was	
-	Pers.Serv.		real property valued at \$80,000.00.	
-	Conf. Screen		4. There are no assets remaining in the	
	Letters 11/25/13	3	estate and Petitioner never had	
-	Leneis	5	possession of any estate assets.	
-	Duties/Supp		5. No fees are sought by Petitioner or his	
-	Objections		attorney.	
	Video Receipt		6. The heirs of the estate report having	
-	Cl Report		received their beneficial interests.	
		n/a	Petitioner prays for an Order:	
✓	Order	11/0	Approving the final account; and	
	Aff. Posting		Discharging the Public Administrator	Reviewed by: JF
	Status Rpt		as Administrator of the estate.	Reviewed by: 31 Reviewed on: 03/27/14
	UCCJEA			Updates:
	Citation			Recommendation:
		n/a		File 1 Costales
		- 1		

1

Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Administrator) Atty

> (1) First and Final Account and Report of Successor Administrator and (2) Petition for Allowance of Ordinary Commissions and Fees and (3) for Distribution

DOD: 9/16/2002	PUBLIC ADMINISTRATOR , Successor Administrator appointed by the Court on 4/28/2005, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
Cont. from Aff.Sub.Wit. Verified Inventory Not cred. Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Objections Video Receipt CI Report 9202 Order	by the Court on 4/28/2005, is Petitioner. Account period: 5/31/2005 – 11/27/2013 Accounting - \$33,000.00 Beginning POH - \$33,000.00 Ending POH - \$32,940.00 (all cash) Administrator - \$1,320.00 (statutory) Attorney - \$660.00 (Per Amendment to First and Final Account and Report of Successor Administrator (Change Regarding Attorney Fees) filed 3/26/2014; statutory fee of \$1,320.00 divided in half to be split with Attorney Adrian Williams, creditor of former attorney John Missirlian.) Attorney Williams - \$660.00 (Per Amendment to First and Final Account and Report of Successor Administrator (Change Regarding Attorney Fees) filed 3/26/2014; Attorney Williams is creditor of former Attorney John Missirlian; statutory of \$1,320.00 divided in half to be split with County Counsel.) Bond fee - \$82.50 Costs - \$449.20 (certified copies (\$14.20); filing fee (\$435.00))	1. Paragraph 7 of the Petition states notice to the Director of the California State Health Services Department will be given pursuant to Probate Code § 9202. However, Notice of Hearing filed 3/18/2014 does not show proof of service of such notice. 2. Need the following clarification with respect to Decedent's son: (a) Whether he has reached the age of majority; (b) Whether he goes by the surname Bohn-Everhart or Bohn-Nishimoto.
Aff. Posting	The Court removed the former administrator, DANNY	Reviewed by: LEG
Status Rpt	EVERHART (spouse), by Minute Order on 4/28/2005, and	Reviewed on: 3/27/14
UCCJEA	appointed Petitioner as Successor Administrator;	Updates:
Citation	The former administrator filed a Partial #1 Inventory and Appraisal showing the estate value of \$33,333.33 cash; no	Recommendation:
✓ FTB Notice	final Inventory and Appraisal was filed or was necessary, as the money was distributed by the former administrator without a Court order; ~Please see additional page~	File 2 – Bohn-Everhart
		2

Additional Page 2, Tonya C. Bohn-Everhart (Estate)

Case No. 02CEPR01059

Petitioner states, continued:

- On 7/15/2005, the former administrator, DANNY EVERHART, advised the Public Administrator that he paid \$24,000.00 to each of Decedent's children, and stated he placed the money belonging to the Decedent's minor son, JARED BOHN-EVERHART, into a blocked account, but he never provided any documentation proving that;
- Decedent's daughter, MISTY JEWEL BOHN, acknowledged having received over \$20,000.00 from the estate;
- After the Public Administrator filed a petition for surcharge against the former administrator, Danny Everhart, he
 entered into a stipulation with the bond company whereby it paid the bond amount of \$33,000.00 to the Public
 Administrator;
- After payment of commissions, fees and costs, there will be \$29,768.30 to distribute; since the former administrator and beneficiary, Danny Everhart, never provided proof that he deposited the Decedent's son's money into a blocked account, and because Decedent's daughter did not confirm the amount over \$20,000.00 that she received, the Public Administrator proposes to distribute the remaining property on hand to Decedent's son, JARED BOHN-EVERHART.

Petitioner prays for an order:

- 1. Approving, allowing and settling the final account, and confirming and approving all acts and proceedings of the successor administrator;
- 2. Authorizing payment of the Administrator and attorney fees and commissions;
- 3. Authorizing payment of the bond fee and costs advanced;
- 4. Distributing the estate of Decedent in Petitioner's hands in the sum of \$29,768.30 to Decedent's son, JARED BOHN-EVERHART; and
- 5. In the event the whereabouts of the heirs are not known, authorizing Petitioner to deposit any remaining balance of funds with the Fresno County Treasury pursuant to Probate Code § 11850(a).

CARRILLO, PATRICIA S (for Mary Gallegos-Bates – Administrator)

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

	Distribution	
DOD: 04/15/2005	MARY GALLEGOS-BATES, sister, was appointed	NEEDS/PROBLEMS/COMMENTS:
	Administrator with full IAEA without bond on	
	08/02/2005.	Page 3B is the Notice of Motion to
		be Relieved as Counsel filed by
Cont. from 022114	Letters issued on 08/11/2005.	Attorney Carrillo.
Aff.Sub.Wit.	Inventory and Appraisal was filed on 09/28/2005	
Verified	shows an estate valued at \$200,000.00 consisting of	
Inventory	real property.	
PTC	=	
 	First Account or Petition for Final Distribution was due	
Not.Cred.	on 10/2006.	
Notice of Hrg		
Aff.Mail	Notice of Status Hearing was mailed to Attorney	
Aff.Pub.	Patricia Carrillo and Mary Gallegos-Bates on	
Sp.Ntc.	11/22/2013.	
Pers.Serv.		
Conf. Screen	Status Report filed 02/14/2014 states on or about	
	04/25/2005, the Attorney was retained by the	
Letters	Gallegos family for the purposes of filing a Petition	
Duties/Supp	for Probate and to represent the Administrator,	
Objections	Mary Gallegos-Bates. The estate consisted of one	
Video	asset, a residence owned by the decedent and no	
Receipt	cash assets. The Attorney advised the Gallegos	
CI Report	family that the three unsecured creditors of the	
9202	Estate would have to be paid as well as the	
Order	·	
Aff. Posting	Attorney fees before the probate case would be	Reviewed by: LV
	allowed to close and the Estate asset to transfer to	
Status Rpt	the beneficiaries. The Attorney requested and	Reviewed on: 03/28/2014
UCCJEA	received two checks from the Gallegos family, one	Updates:
Citation	of \$600 to pay for initial expenses of the probate	Recommendation:
FTB Notice	process and another for \$7,000.00 for the statutory	File 3A – Gallegos
	attorney fees which was to be placed in an	
	attorney trust fund account. The Attorney placed	
	the \$7000.00 check with a back representative,	
	Mark Higbee, at Bank of America, at the River Park	
	Branch in Fresno, and received a deposit slip for the	
	transaction.	
	<u>Please see additional page</u>	

Approximately two months later the Attorney walked into the River Park Branch of Bank of America and inquired into the status of the attorney trust fund account and was told by the manager that the check had been lost and that a trust fund account had never been established. The Attorney immediately called the Gallegos family and informed that another check for \$7,000.00 needed to be written to the Attorney and explained the situation. The Gallegos family then informed the Attorney that the entire amount of \$7,000.00 that had been on deposit with the Gallegos family had been spent by the Gallegos family and that no other funds were available for the payment of the Attorney's fees or creditor claims.

On or about 03/08/2006, the Attorney sent a letter and billing statement to the Administrator requesting payment of the attorney's fees. A second letter dated 05/25/2006 was sent to the Administrator from the Attorney and then a third dated 08/11/2006. The Attorney also made numerous phone calls to inquire into the status of the Gallegos family's ability to pay the unsecured creditor's claims and the attorney's fees. During 2006, the most of the phone calls by the Attorney to the Administrator were never answered or returned. During the period between 04/25/2005 through the entire year of 2006, the attorney continued with the production and filing of all required documents for the administration of the Estate.

On or about 12/18/2006, the Attorney received a phone call from Fresno Attorney, Susan Moore, who informed that the Gallegos family had hired her office to prepare a Petition for Probate for the identical decedent and that the Gallegos family had never mentioned any previously filed probate case or their relationship with the Attorney's office. Attorney Moore's office did not realize the misrepresentations by the Gallegos family until the Petition for Probate and corresponding documents prepared by Attorney Moore's officer presented to the probate clerk's office.

The Attorney apologized to Attorney Moore for the behavior of the Gallegos family, then immediately made a phone call to the Administrator which was never answered or returned. On or about 04/27/2007, the Attorney received a check for the attorney's fees in the amount of \$7,000.00 and later that month, the attorney received confirmation from all three unsecured creditors that their claims had been paid.

On or about 07/19/2007 the Attorney sent a letter to the Administrator requesting that she contact the Attorney's office for an appointment to review the case and prepare the final documents for the Estate. Throughout 2007, 2008 and 2009, the Attorney sent subsequent letters and made numerous phone calls requesting that the Administrator contact the Attorney for purposes of finalizing the probate documents and the Administrator never replied.

On or about 11/22/2013 the Attorney received a court notice entitled Notice of Status Hearing. On 11/22/2013, the Attorney immediately attempted to call the Administrator from the contact phone number in the case file, however the number had been disconnected. The Attorney then found another number which was for the Administrator's daughter and called and was able to acquire the current phone number for the Administrator.

On or about 11/23/2013 the Attorney called the Administrator and spoke to her for approximately two minutes before the phone line was abruptly cut off. The Administrator acknowledged the Attorney in a rude and abrasive manner and made her intentions clear that she would not meet with the Attorney or discuss the case.

Please see additional page

3A (additional page) Ralph M. Gallegos (Estate) Case No. 05CEPR00700

The Administrator also made comments about the possible status of the Estate property but before the Attorney could retrieve any details from the Administrator, the phone call ended abruptly. The Attorney immediately called the Administrator and left a detailed voice message. The Administrator never returned the call. The Attorney also called the Administrator's daughter to leave a message and the daughter informed the Attorney that the Administrator would not be calling the Attorney back.

Due to the Administrator's refusal to communicate with the Attorney, the Attorney has not been able to verify the status of the Estate property or the current mailing address for the beneficiaries. The Attorney has reason to believe that one or two of the beneficiaries may be currently deceased.

On or about 12/06/2013, the Attorney sent a letter to the Administrator via certified mail and regular U.S. mail, a copy of the letter and certified mailing receipt, restating the lack of communication by the Administrator and that the Attorney would be filing a Motion to Withdraw as Attorney of Record. The attorney also advised the Administrator to seek new legal counsel.

On or about 02/14/2014, the Attorney filed a Motion to Withdraw as Attorney or Record.

Atty

CARRILLO, PATRICIA S (for Mary Gallegos-Bates – Administrator)

Notice of Motion and Motion to be Relieved as Counsel - Civil

DOD: 04/15/2005		PATRICIA S. CARRILLO, attorney for Administrator Mary Gallegos-Bates, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Co	ont. from	MARY GALLEGOS-BATES, sister, was appointed Administrator with full IAEA without bond on 08/02/2005. Letters issued on 08/11/2005	
✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓	Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order Aff. Posting Status Rpt UCCJEA Citation	Petitioner states Attorney has consistently performed her duties to the Administrator since the initial meeting with the Administrator and the Gallegos family. Except for the Final Petition for Distribution, all probate documents were timely filed and all required court hearings were attended by the Attorney. The Administrator has consistently failed in her obligations	Reviewed by: LV Reviewed on: 03/28/2014 Updates: Recommendation:
	FTB Notice	Final Petition for Distribution cannot in good faith be executed and filed with the court. Please see additional page	File 3B - Gallegos

3B (additional page) Ralph M. Gallegos (Estate)

Case No. 05CEPR00700

Pursuant to Rule 3-700(C)(1)(d) of the California Rules of Professional Conduct, the Attorney may withdraw due to the Administrator's lack of communication and stated intention of not continuing with the probate case which has made it impossible for the Attorney to carry out employment effectively. Pursuant to Rule 3-700(C)(2) of the California Rules of Professional Conduct, the Attorney has reason to believe that any further continued employment by the Attorney may result in violation of the State Bar Act due to the comments made by the Administrator during the phone call of November 23, 2013 regarding the assets of the Estate. Lastly, pursuant to Rule 3-700(C)(6) of the California Rules of Professional Conduct, the Attorney believes that good cause exists for withdrawal due to the Administrator's lack of communication with Attorney since 2006.

Wherefore, for all of the reasons set for the above, the Petitioner, Patricia S. Carrillo prays for relief as follows:

- That the Attorney, Patricia S. Carrillo be allowed to withdraw as attorney of record for the Administrator, Mary Gallegos-Bates, Probate Case No. 05CEPR00700 pursuant to Rules 3-700(B) and 3-700(C) of the California Rules of Professional Conduct.
- 2. For such other and further relief as the Court deems just and reasonable.

Case No. 10CEPR00244

The Cenci Family Trust (Trust)

Denning, Stephen M. (for Petitioner Richard G. Cenci)

Motsenbocker, G.L. (for Objector Terese McGee Cenci)

Tekunoff, Daniel J. (for Objector Herman F. Cenci) Atty Atty

Atty Erlach, Mara M. (for Objector Bruce D. Bickel) Atty

First and Final Account and Report of Trustee of the Cenci Family (bypass) Trust and Petition for Its Settlement and Petition for Instructions Regarding Final Distribution of Trust Estate

			RICHARD G. CENCI , successor trustee of the Herman R. Cenci Family (Bypass) Trust created under the Cenci Family Trust of 1992, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
-	Aff.Sub.Wit. Verified Inventory		Account period: 3-9-12 through 1-31-14 Accounting: \$439,502.98 (Cash of \$138,450.58) Beginning POH: \$409,550.58 Ending POH: \$279,490.98 (Cash of \$8,390.98 and promissory note in the amount of \$271,100.00 secured by real property located at 851 E. Divisadero)	Note: Richard G. Cenci's Amended Petition to Enforce Judgment Against Trust Beneficiaries, referenced herein and filed by Petitioner in his individual
>	PTC Not.Cred. Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv.	X	Trustee: Petitioner states that during the period of this account, the trustee has received compensation as set forth in the account and report. (Schedule 4 indicates disbursements totaling \$20,000.00 to the Trustee.) Petitioner states he previously filed in his individual capacity a petition to have the shares of Terese and Herman in the Esther Cenci Survivor's Trust be applied toward the satisfaction of the	capacity on 8-19-13, was heard on various dates and at the continued Settlement Conf. on 3-11-14 was continued to 4-29-14 for oral arguments.
-	Conf. Screen Letters Duties/Supp Objections Video Receipt		judgment against them. Although this petition was brought in his individual capacity, Petitioner takes the position that the judgment was to benefit the survivor's trust and bypass trust in the proportions specified by the Court. Accordingly, the survivor's trust and bypass trust are creditors in this case and	SEE ADDITIONAL PAGES
	CI Report 9202 Order Aff. Posting	X	not Petitioner since any recovery on the judgment does not accrue to him personally other than as a beneficiary. Therefore, the nominal judgment creditors of Terese and Cenci are the current trustees of the survivor's trust and bypass trust respectively. See petition for details. Petitioner believes he	Reviewed by: skc
	Status Rpt UCCJEA Citation FTB Notice		will prevail on his petition to enforce the judgment against the shares of Terese and Herman and that the spendthrift provision is not applicable based on authorities cited. However, that issue is not yet resolved. Therefore, Petitioner requests instructions from this Court with respect to distribution of the assets of the bypass trust to Terese and Herman in light of petition pending against them.	Reviewed on: 3-27-14 Updates: Recommendation: File 4 - Cenci
			 Petitioner requests an order: Settling, allowing, and approving the trustee's first and final account; Determining that all acts and transactions of the trustee relating to matters reflected in the first and final account and report are ratified, confirmed, and approved; Instructing the trustee whether to apply the distributive shares of Terese and Herman to the judgment entered against them; and For such other and further relief as the Court may deem proper. 	
			SEE ADDITIONAL PAGES	

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The accounting reflects the following information:

- Beginning cash on hand was \$138,450.58.
- Receipts totaling \$29,952.40 consist of payments on the note.
- Disbursements totaling \$160,012.00 consist primarily of the following:
 - Advance distributions to Jonalyn Cenci: \$23,300.00
 - Legal Services to Joanne Sanoian: \$106,700.00
 - Trustee fees to Petitioner: \$20,000.00
 Accounting services: \$10,000.00
 Ending cash on hand is \$8,390.98.

NEEDS/PROBLEMS/COMMENTS:

 Petitioner did not use the mandatory Judicial Council Notice of Hearing Form, which contains mandatory language prescribed by law. A Civil Proof of Service of the petition only does not comply with Probate law. See Probate Code §1200 et seq., specifically §1211, and Mandatory Judicial Council Form DE-120. The Court may require amended service.

Case No. 10CEPR00244

2. Petitioner requests instructions as to final distribution, but does not describe the terms of the bypass trust or state who the beneficiaries are and in what shares according to the trust. This case file is voluminous and as such the Examiner has not made a search to determine if this information is even available. In order to proceed with authorizing any distribution, the Court may require a clear declaration setting forth the beneficiaries of this bypass trust and their respective shares as stated in the trust, and as alternatively proposed by Petitioner.

For example, Objector Terese Cenci McGee states that Jonalyn Cenci, who received \$23,300.00 in "advance distributions" during this account period, is a <u>residuary</u> beneficiary. However, Examiner would not have known that, as it is not stated in this petition. A petition should be complete in itself and not rely on information that may have been "known" by the Court or the interested persons from some prior proceeding.

SEE ADDITIONAL PAGES RE OBJECTIONS

Page 3

Terese Cenci McGee Objections filed 3-4-14 state the accounting is woefully lacking in detail and content and there are few if any explanations as to the sundry transactions. Objector believes the sparse information offered by the trustee is by design and on purpose. The account's lack of content leaves many questions as to the propriety and justification of the actions of the successor trustee, and Objector is of the opinion that this lack of information alone constitutes a serious breach.

Case No. 10CEPR00244

Objector objects to the payment of attorney fees to Attorney Sanoian and accountant's fees that accrued in trustee's litigated matter. The judgment rendered by the trial court clearly indicated that the fees were personal to Richard Cenci and the Court invited him to file a request for the Court to consider in regard to award of attorney's fees and costs. For whatever reason, he failed to file for consideration and the time in which the code allowed him to do so has expired and he was foreclosed from requesting an award of attorney's fees and costs from the trial court. Although he spends pages attempting to explain why fees should be assessed against Objector and her brother, the rationale and explanation for allowing and paying them in the first place is sorely missing.

Additionally, this matter is already before the Court in another motion and Objector states the case cited in support of his request is inapposite and distinguishable from the facts of the present case.

Objector objects to the "advance distributions" to Jonalyn Cenci, a residuary beneficiary. The trust provides for payment of specific bequests (\$5,000.00 each to grandchildren) that were not made as provided in the trust, and Objector states it is the duty of the trustee to make distributions by and pursuant to the terms of the trust and this failure constitutes a breach of trust. Trustee has distributed \$24,300.00 to his sister in breach of his duty to make distribution payments by and pursuant to the terms of the trust and his failure to do so constitutes a serious breach of trust.

Objector states Petitioner has failed to file tax returns in this matter. It is clear that there was reportable income collected by him and there is no indication that such income was reported to the IRS or FTB. This is a serious breach of trust and Petitioner should be held accountable for any and all penalties accruing to the trust due to his negligent conduct.

Additionally, as to the note and deed of trust: Petitioner has not used the proper format to report the asset: The initial value and ending value are the same although a number of payments were received; there appear to be a substantial amount of delinquency charges that should have accrued to the account. These are not accounted for. There are a number of missing payments with no explanation as to what steps were taken by the trustee to cure or report these missing payments. It appears the account was "ripe" for foreclosure on many occasions and no action was taken. This constitutes a serious breach of trust.

Objector objects to the trustee's payment to himself of \$19,000.00 and requests that the Court deny compensation to the trustee due to his incompetent and deceptive handling of this matter he should be surcharged accordingly.

Objector request the Court order:

- Objector requests the Court remove the successor trustee and appoint Mr. Bickel due to the trustee's multiple
 and serious breaches of trust and his failure to be forthright in providing adequate and essential information in
 his accounting;
- 2. Objector requests that the successor trustee be surcharged for the unauthorized payment of Attorney Sanoian's fees in the amount of \$106,700.00;
- 3. Objector requests that the successor trustee be surcharged for the payment of his "person" litigation costs from the trust in the amount of \$10,000.00;
- **4.** Objector requests that the successor trustee be surcharged for the advance distrubitons made to Jonalyn Cenci in the amount of \$24,300.00;
- 5. Objector requests that the successor trustee be surcharged for the unauthorized payment his trustee's fees in the amount of \$19,000.00; and
- **6.** For any other relief the Court deems proper under the circumstances.

<u>Examiner's note</u>: Objector's calculation of disbursements to Jonalyn Cenci and to the trustee appears to differ slightly from the above calculation by the Examiner.

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Herman Cenci's Objections filed 3-4-14 state: Herman Cenci objects to the payments for legal services to Joanne Sanoian in the amount of \$106,700.00 as it is unclear if these payments were made for representation of Richard Cenci as trustee or as an individual. If as trustee, the services may not have benefitted the estate. Objector is independently aware that Joanne Sanoian is suing Richard Cenci for fees, while Richard Cenci is suing Joanne Sanoian for legal malpractice. It is possible he is charging the trust for fees not incurred by him as trustee, and therefore are inappropriate payments. In his cross-complaint against Ms. Sanoian, he alleges that he was forced to pay unwarranted fees (see attached), and also alleges payment of \$123,000.00, which is a different number than is set forth in this account.

Case No. 10CEPR00244

Objector states an account must contain a description of all purchases and transactions not readily understandable from the schedule, explanation of unusual items, statement of compensation paid. Richard Cenci should be required to explain how much fees were incurred as to the various matters litigated in order for the Court to determine whether the fees claimed are reasonable or appropriate.

Pursuant to Judgment 9-4-12, attorney's fees were to be fixed pursuant to a properly noticed post-trial motion. The deadline for filing is 60 days after Notice of Entry or six months after entry, whichever is earlier. Because a properly noticed motion was not filed within six months of entry of judgment, any right to fees incurred before the judgment is waived. It now appears Richard Cenci is trying to "backdoor" a claim for attorney's fees that has already been waived.

Probate Code §11000(b) requires notice of any account seeking approval of payments to the personal representative or his attorney to specifically so state. No such notice was served.

Herman Cenci objects to the "advance distributions" to Jonalyn Cenci totaling \$23,300.00, while no distributions were made to other beneficiaries. It appears there is not enough liquidity in the trust to cover such bequests, as the trustee has used the vast majority and the trust is left with a promissory note and deed of trust on a parcel where the tenant is not paying per terms. Probate Code §1064 requires explanation for the unusual payments which are not readily understandable from the schedule.

Herman Cenci objects to the \$20,000.00 paid to Petitioner as "trustee fees." There is no description of why the trustee earned these fees, what time period the fees reflect, or explanation as to why they are reasonable. Further, as noted above, Probate Code §11000(b) requires notice.

Objector states the receipts schedule indicates that The Velvet Lounge, LLC, is in default with Schedule 2 showing 13 months of payments for a 22 month period, but there is no explanation as to what the trustee intends to do. Why has the property not been foreclosed? Why is forbearing proceeding with foreclosure a reasonable business decision? One cannot determine from the trustee's accounting whether the trustee should be entitled to court approval for his actions. Further, Objector states that while the note appears to be "underwater," the trustee values the note at face value with no adequate explanation for this valuation.

Objector states that there is no indication in the accounting that tax returns have been filed. Lastly, while the trustee calls this a "final" account, the estate is clearly not ready for distribution. There does not appear to be enough cash for even specific bequests. The trust instrument has a spendthrift clause, which does not seem to appear anywhere in the account. There is no indication what the trustee intends to do with the main asset, the promissory note and deed of trust on a property where the owner is in default. Probate Code § 1 1000(c) requires notice of hearing if the order seeks final distribution, which was not served.

Herman Cenci prays that the account be disallowed, that the trustee be directed to prepare and file a true account of his acts and proceedings within such time as may be allowed by this Court, and for such further relief as this Court deems appropriate.

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Bruce Bickel's Reply filed 3-6-14 states he is the successor trustee of the Cenci Family Trust of 1992 Survivor's Trust and provides analysis of the citation used by Petitioner regarding the petition for instructions and states that clearly it has been determined by https://doi.org/10.2016/j.com/ that the https://doi.org/10.2016/j.com/ that the hong/ that the successor trustee of the Cenci Family Trust of 1992 Survivor's Trust and provides analysis of the citation used by Petitioner regarding the petition for instructions and states that clearly it has been determined by his is res judicata, and Petitioner's continued attempt to apply the limited ruling of the case cited to the entire judgment against Terese and Herman should not be considered. See Reply for details.

Case No. 10CEPR00244

Trusts as Creditors: Mr. Bickel states Richard Cenci brought this action in his individual capacity and cannot use his petition to assert his claims on behalf of the trusts. If the survivor's trust and bypass trust are the judgment creditors in this case as Richard claims, Richard cannot attempt to execute the judgment on behalf of the trustee of the survivor's trust. Further, there is no authority which supports the proposition that a trustee has any more rights or is in any better position to execute a judgment than any other creditor of a beneficiary. Even children of beneficiaries of spendthrift trusts have been held to be on the same level as other creditors of that beneficiary and must abide by rules governing enforcement of judgments.

Courts equitable powers apply only to sanctions, not entire judgment. Mr. Bickel states Petitioner contends that the court's equitable powers of supervision per §7050 and case cited allow the court to "ignore the procedures applicable to ordinary judgment creditors." However, 7050 merely provides jurisdiction, and furthermore the court's equitable powers in this regard lie strictly with the levy of sanctions against a party and not with the enforcement of a money judgment itself. Analysis provided. See Reply for details.

Mr. Bickel states Petitioner's attempt to reach the distributive shares of Terese and Herman is strictly limited by the law of this case to the \$50,000.00 surcharge against Terese, and <u>only</u> to the surcharge. Otherwise, Petitioner's remedies are constrained by the spendthrift provisions of the trust instrument and by Probate Code §§ 15600 et seq. and Code of Civil Procedure §709.010.

Atty

Kruthers, Heather H. (for Public Administrator – Administrator/Petitioner)

Statement of Public Administrator's Disposition of Property; and Request for Discharge

DOD: 12/17/11			PUBLIC ADMINISTRA	ATOR, Ac	lministrator	NEEDS/PROBLEMS/COMMENTS:
			pursuant to summo	ıry proce	eedings under	
			Probate Code § 76	60(a)(1)	, is Petitioner.	
					04 (07 (4 4	
Co	nt. from		Account period: 02	2/14/12 -	-01/27/14	
	Aff.Sub.Wit.		Accounting	_	\$48,193.59	
√	Verified		Beginning POH	-	\$46,638.05	
	Inventory		Ending POH	-	\$0	
	PTC				4- 4	
	Not.Cred.		Administrator (statutory)	-	\$1,927.74	
✓	Notice of		(SIGIOIOIY)			
	Hrg		Attorney	-	\$1,927.74	
✓	Aff.Mail	w/	(statutory)		-	
	Aff.Pub.		B 199			
	Sp.Ntc.		Petitioner states: Aft commissions, and c			
	Pers.Serv.		distribution was ma		· ·	
	Conf.		All receipts for fees			
	Screen		as cancelled chec	ks for dis	tribution have	
	Letters		been filed.			
	Duties/Supp		All proports of the	ortata ba	wing book	
	Objections		All property of the eliquidated and disb		<u> </u>	
	Video		Administrator reque			
	Receipt		be settled and clos			
	CI Report		Administrator disch	arged in	this matter.	
	9202					
✓	Order					
	Aff. Posting					Reviewed by: JF
	Status Rpt					Reviewed on: 03/27/14
	UCCJEA					Updates:
	Citation ETP Notice					Recommendation:
Щ	FTB Notice					File 5 - Gillard

Lawrence Eugene Hawkins (Estate) 6 Atty

Case No. 12CEPR00970

Williams, Steven R. (for Paul Gestic – Executor/Petitioner)

Amended Petition for Settlement of First and Final Account and Final Distribution

DOD: 10/15/11	PAUL GESTIC, Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	The Amended Petition does not make a statement regarding the
Cont. from Aff.Sub.Wit. ✓ Verified	I & A - \$237,500.00 POH - \$245,000.00 (real property)	required notice to the Victim's Compensation Board as required pursuant to Probate Code § 9202(b).
✓ Inventory ✓ PTC	Executor - waived	2. Need Order.
✓ Not.Cred. ✓ Notice of Hrg	Attorney - waived	
✓ Aff.Mail W/ Aff.Pub.	Petitioner states that Jun Hawkins, decedent's surviving spouse, is the sole heir, pursuant to a settlement agreement	
Sp.Ntc. Pers.Serv. Conf. Screen Letters 12/06/12	between Larry Hawkins, Arlene Hawkins and Jun Hawkins. (Copy of Settlement Agreement attached to Petition).	
Duties/Supp Objections	Distribution, pursuant to settlement agreement of the parties, is to:	
Video Receipt	Jun Hawkins - Real property	
Cl Report ✓ 9202		
Order X Aff. Posting		Reviewed by: JF
Status Rpt UCCJEA Citation		Reviewed on: 03/28/14 Updates: Recommendation:
✓ FTB Notice		File 6 - Hawkins

7 Richard Michael Noroyan (Estate)

Case No. 13CEPR00542

Atty Shafer, Claudia Y.
Atty Kruthers, Heather H
Atty Motsenbocker, Gary L
Atty Keeler, William J.
Atty Shafer, Claudia Y.

Contest and Grounds for Objection to Probate of Purported Will

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
		OFF CALENDAR
		Continued to 04/28/14@
Cont. from		10:30am pursuant to Minute
Aff.Sub.Wit.		Order dated 03/25/14
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of		
Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.	1	
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 03/28/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 7 - Noroyan

Atty Tomassian, Gerald M., of Tomassian, Pimentel & Shapazian (for Petitioner Jeff Meyer)

(1) Petition for Final Distribution on Waiver of Accounting and (2) Allowing Statutory Fees and Commissions

DOD: 6/24/2013		JEFF MEYER, son and Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	CONTINUED TO 5/27/2014
Со	nt. from Aff.Sub.Wit.	- I & A - \$841,119.52 POH - \$812,781.76 (\$491,189.76 is cash)	Per Attorney Request
√	Verified Inventory	Administrator — \$19,899.94	
✓ ✓	PTC	(statutory) Attorney — \$19,899.94	
√	Not.Cred.	(statutory)	
✓	Notice of Hrg	Closing — \$2,500.00 (for expenses including accountant's fees for	
✓	Aff.Mail W/	preparation of final fiduciary estate income tax returns)	
-	Aff.Pub. Sp.Ntc.	-	
	Pers.Serv.	 Distribution pursuant to intestate succession and	
	Conf.	Assignment of Interest in Estate is to:	
	Screen	• JEFF MEYER – \$244,444.94 cash , ½ interest in	
	Letters 100813	two pick-up trucks, and an undivided ½	
	Duties/S Objections	interest in real property;	
	Video Receipt	ERYN BRASE as Trustee of the CHERYLE MOON IRREVOCABLE TRUST AGREEMENT	
	CI Report	dated 9/13/2013 – \$244,444.94 cash, ½	
✓	9202	interest in two pick-up trucks, and an undivided ½ interest in real property.	
1	Order		
	Aff. Posting		Reviewed by: LEG
	Status Rpt		Reviewed on: 3/27/14
	UCCJEA	-	Updates: 3/28/2014
<u> </u>	Citation ETP Notice	-	Recommendation:
√	FTB Notice		File 8 - Meyer

Atty

Krbechek, Randolf (for Administrator Frank Scott Hine)

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 7/29/2010	FRANK SCOTT HINE was appointed Administrator	NEEDS/PROBLEMS/COMMENTS:
	with Full IAEA and bond set at \$118,260.00 on 1/5/2011.	
Cont. from 062113,	Minute order dated 6/15/2012 states the court orders bond set at \$45,000.00 and Limited IAEA	Need First Account, Petition for Final Distribution or current written status report pursuant to
080213, 091313, 111513, 31714	authority.	Local Rule 7.5 which states in all
Aff.Sub.Wit.	Bond of \$45,000.00 filed on 8/10/12.	matters set for status hearing verified status reports must be
Verified	Letters issued 10/24/12.	filed no later than 10 days before the hearing. Status
Inventory	10/2 1/12.	Reports must comply with the
PTC	Inventory and Appraisal filed on 6/6/2012 showing	applicable code requirements.
Not.Cred.	the estate valued at \$134,550.00	Notice of the status hearing,
Notice of Hrg		together with a copy of the
Aff.Mail	Creditor's Claims filed:	Status Report shall be served on all necessary parties.
Aff.Pub.	CitiBank - \$12,563.66	difficessary parties.
Sp.Ntc.	DCM Services - \$ 260.80	
Pers.Serv.	Frank Hine - \$ 4,743.41	
Conf. Screen	Donna Langley - \$17,625.99	
Letters	Wesley Langley - \$ 1,397.38	
Duties/Supp	FTB - \$ 2,660.09 FTB - \$ 4,337.54	
Objections	Total \$43,689.17	
Video	Ψ 10,25	
Receipt	Former Status Report filed 9/9/13 states Mr.	
CI Report	Krbechek met with Mr. Hine since the last status	
9202	conference. Mr. Hine will be present in court on	
Order	9/13/13 to provide updated information	
Aff. Posting	regarding the status of the estate. The beneficiary of the estate is the decedent's minor daughter,	Reviewed by: KT
Status Rpt	Noelle Hine. Ms. Hine will turn 18 before the end	Reviewed on: 3/28/14
UCCJEA	of this year. Mr. Hine has been making all the	Updates:
Citation	monthly payments on the house and the loan is	Recommendation:
FTB Notice	current. Ms. Hine's future is uncertain and she is	File 9 - Hine
	not ready to own a house. Thus, it is in the best	
	interest of the estate that the house be sold. The	
	personal representative will provide an update regarding the status of the property listing at the	
	next hearing.	
	ı <u>J</u>	0

9 Shannon Lee Hine (Estate)

Case No. 10CEPR00981

<u>Former</u> Status Report of Randolf Krbechek filed on 11/14/13 states he has met with Mr. Hine several times since the last hearing. Mr. Hine reports that he has completed most of the tasks to close the estate. The home is listed for sale and is in good, saleable condition. It is anticipated that they will be receiving offers in the foreseeable future. Sale of the real property must be confirmed by the court.

A Report of Sale and Petition for Order Confirming Sale of Real Property was filed and is set for hearing n 4/22/14.

10 Thomas Oliver Ellis (GUARD/PE)

Case No. 13CEPR00849

Atty Getty-Hopkins, Karen Atty Hopkins, Edwin K.

Status Hearing Re: Filing of the Inventory and Appraisal

Γ.		2/22/22/22/22/22/22/22/22/22/22/22/22/2
Age:	NEED	S/PROBLEMS/COMMENTS:
DOD:	OFF	CALENDAD
		CALENDAR. Inventory and
	Appr	aisal was filed on 3/27/14
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of		
Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting	Revie	ewed by: KT
Status Rpt		ewed on: 3/28/14
UCCJEA	Updo	ates:
Citation	Reco	mmendation:
FTB Notice	File 1	0 - Ellis

10

Jaymes, William R. (of Palm Desert for Maria Isabel Lopez de Berber – Petitioner – Spouse)
Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DC	D: 03/16/2013	MARIA ISABEL LOPEZ DE BERBER, surviving	NEEDS/PROBLEMS/COMMENTS:
		spouse is petitioner.	A**
		No other propositions	Minute Order of 02/26/2014: Maria De
		No other proceedings	Berber is appearing without her attorney. Analuisa Berber is appearing via
Со	nt. from 022614	Decedent died intestate	CourtCall. Analuisa Berber requests a
	Aff.Sub.Wit.	Deceder if died if flestate	continuance to review documents and
1	Verified	Petitioner requests Court confirmation that	hire counsel.
ŀ	las combon c	real property pass to the petitioner.	
	Inventory	4	Petition does not set forth enough
	PTC	 	facts for the Court to determine that
	Not.Cred.		it is indeed community property.
1	Notice of		Need Attachment 7 setting forth the
	Hrg		following:
✓	Aff.Mail w/		 a. The date the petitioner and decedent were married.
	Aff.Pub.	1	b. The date the property was
	Sp.Ntc.	1	acquired.
	Pers.Serv.	1	c. That all the property the
	Conf.	1	petitioner is asking to pass
	Screen		was acquired during the
	Letters	=	marriage using community
		4	property funds and was not
	Duties/Supp		received by gift, devise or bequest.
	Objections		bequest.
	Video		Note: A Notice of Hearing was filed
	Receipt		03/06/2014 with a copy of the
	CI Report]	Declaration attached. There is no
	9202	1	record of the original declaration being
✓	Order]	filed with the court therefore it cannot be
			considered until filed.
	Aff. Posting		Reviewed by: LV
	Status Rpt		Reviewed on: 03/28/2014
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 11 – Berber
			11

Gomez, Adelita (pro per Petitioner/paternal grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 5 years	TEMPORARY EXPIRES 3/28/14	NEEDS/PROBLEMS/COMMENTS:
Cont. from Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv. W/ Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order Aff. Posting Status Rpt VUCCJEA	ADELITA GOMEZ, paternal grandmother, is petitioner. Father: JAIME ARRELLANO – personally served on 2/11/14 Mother: CARA STEARNS Paternal grandfather: Jaime Arrellano – Declaration of Due Diligence filed on 3/7/14. Maternal grandparents: Unknown – Declaration of Due Diligence filed on 3/17/14. Petition does not indicate why a guardianship is necessary. Court Investigator Jennifer Daniel's Report filed on 3/16/14	 Petition does not state why a guardianship is necessary. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: Cara Steams (mother) If court does not dispense with Notice, need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on: Jaime Arrellano (paternal grandfather) Maternal grandparents. Reviewed by: KT Reviewed on: 3/28/14 Updates:
Citation		Recommendation:
FTB Notice		File 12 – Stearnes

Case No. 14CEPR00083

Luna, Pedro (Pro Per – Maternal Grandfather – Petitioner)

Petition for Appointment of Guardianship of the Person

PEDRO LUNA, Maternal Grandfather, is Petitioner. Raff.Sub.Wifi.	Bail	lee Liggett, age 9	TEMP EXPIRES 4-2-14	NEEDS/PROBLEMS/COMMENTS:
Inventory			Father: JON LIGGETT - Declaration of Due Diligence filed 2-6-14 - Notice dispensed unless whereabouts become	Bailee Liggett (9) only. A petition for guardianship of the minor Paige Liggett filed by non-relative Trisha Mae Wolfe is at Page
Video Receipt Maternal Grandmother: Marilu Ramos ✓ CI Report Deceased ✓ Clearances Siblings: Paige Liggett (9), Kassidy Liggett (16), Ethan Liggett (4), Makayla Liggett (1), and Mary Jane Bloom (2 weeks) Ethan Liggett (4), Makayla Liggett (1), and Mary Jane Bloom (2 weeks) Petitioner states the parents are out on the streets abusing drugs. Petitioner is able to provide a clean and safe home for his granddaughter. Petitioner states that Bailee was left in his care on 1-12-14. 3. If diligence is not found regarding the paternal grandparents, need notice per Probate Code §1511. (Note: The related petition indicates they may be deceased.) Aff. Posting Status Rpt Court Investigator Dina Calvillo filed a report on 3-27-14. Reviewed by: skc Reviewed on: 3-28-14 Updates: Recommendation:	>	Inventory PTC Not.Cred. Notice of Hrg Aff.Mail X Aff.Pub. Sp.Ntc. Pers.Serv. X Conf. Screen Letters Duties/Supp	- Appeared at hearing on 2-18-14 Mother: ROSA H. LUNA - Declaration of Due Diligence filed 2-6-14 - Notice dispensed unless whereabouts become known at hearing on 2-11-14 - Appeared at hearing on 2-18-14 Paternal Grandfather: Unknown - Declaration of Due Diligence filed 2-10-14 Paternal Grandmother: Unknown	guardianship hearing the Court dispensed notice to the parents until their whereabouts become known. On 2-18-14, the father appeared at the temp hearing for this minor's sibling. Also, per the Court Investigator's report, the parties have been in contact with the mother. Therefore, the Court may require proof of personal service of Notice of Hearing with a copy of the petition on both parents per Probate
Aff. Posting Status Rpt UCCJEA Citation 3-27-14. Reviewed by: skc Reviewed on: 3-28-14 Updates: Recommendation:	~	Receipt CI Report Clearances	- Deceased Siblings: Paige Liggett (9), Kassidy Liggett (16), Ethan Liggett (4), Makayla Liggett (1), and Mary Jane Bloom (2 weeks) Petitioner states the parents are out on the streets abusing drugs. Petitioner is able to provide a clean and safe home for his granddaughter. Petitioner states that Bailee was left in his care on 1-12-14.	Hearing with a copy of the petition pursuant to Probate Code §1511 or consent and waiver of notice or declaration of due diligence on: - Paige Liggett (13) (sibling) - Kassidy Liggett (16) (sibling) 3. If diligence is not found regarding the paternal grandparents, need notice per Probate Code §1511. (Note: The related petition indicates
V UCCJEA Citation Updates: Recommendation:				<u> </u>
Citation Recommendation:	<u> </u>			
	ľ			•
	<u> </u>			
		FTB Notice		File 13A - Liggett

13A

Wolfe, Trisha Mae (Pro Per – Non-relative – Petitioner)

Petition for Appointment of Guardianship of the Person

Paige Liggett, age 13			
	Aff.Sub.Wit.		
>	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	Χ	
	Aff.Mail	Χ	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	Χ	
>	Conf. Screen		
>	Letters		
>	Duties/Supp		
	Objections		
	Video Receipt		
>	CI Report		
>	Clearances		
•	Order		
	Aff. Posting		
	Status Rpt		
~	UCCJEA		
	Citation		
	FTB Notice		

TEMP EXPIRES 4-2-14

TRISHA MAE WOLFE, non-relative, is Petitioner. Petitioner is the mother of Paige's friends.

Father: JON LIGGETT

- Appeared at hearing on 2-18-14

Mother: ROSA H. LUNA

- Personally served 2-12-14 re Temp Hearing

only

Paternal Grandfather: Unknown/Deceased Paternal Grandmother: Unknown/Deceased

Maternal Grandfather: Pedro Luna

- Personally served 2-12-14 re Temp Hearing only

Maternal Grandmother: Marilu Ramos

Deceased

Petitioner states Paige needs a stable home and a safe environment where there is no drug abuse, someone to take care of her and not leave her home overnight to care for her younger sister. Paige needs to be in therapy. Her mom is not getting her the help she needs. Paige has been in Petitioner's home since December 24, 2013 and the mother has made no attempt to come get her. She stated, "I know she is safe where she is at." Petitioner states that it is her understanding that there is a no-contact order for the father.

DSS Social Worker Irma Ramirez filed a report on 3-27-14.

NEEDS/PROBLEMS/COMMENTS:

 Need proof of service of Notice of hearing with a copy of the petition per Probate Code §1511 on both parents.

Note: Petitioner filed an Affidavit of Unsuccessful Service on Jon Liggett (father) by the Sheriff's office; however, the document does not indicate diligence. The father has appeared in this matter at the hearing on 2-18-14. The Court may require further diligence or proper service per Probate Code §1511.

Note: Proof of Service filed 2-13-14 indicates service on the mother regarding the temp hearing; however, the mandatory Judicial Council form "Notice of Hearing" (GC-020) was not filed, and the service appears to have only included the temporary guardianship petition. The Court may require further service per Probate Code §1511.

 Need proof of service of Notice of Hearing with a copy of the petition pursuant to Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:

- Kassidy Liggett (16) (sibling)

Reviewed by: skc
Reviewed on: 3-28-14
Updates:
Recommendation:
File 13B - Liggett

13B

Atty

Garcia, Christina (pro per – maternal cousin/Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 1			NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
			CHRISTINA GARCIA, maternal cousin, is Petitioner.	
			Father: ADAM RAMIREZ – personally served on 02/23/14	
Со	nt. from		02/23/14	
	Aff.Sub.Wit.		Mother: MARGARITA LOPEZ – Consent & Waiver	
✓	Verified		of Notice filed 01/30/14	
	Inventory		Paternal grandfather: GUSTAVO RAMIREZ –	
	PTC		served by mail on 03/06/14	
	Not.Cred.		Paternal grandmother: PATRICIA DE LA TORRE –	
✓	Notice of Hrg		served by mail on 03/06/14	
✓	Aff.Mail	w/		
	Aff.Pub.		Maternal grandfather: LEONARDO LOPEZ –	
	Sp.Ntc.		served by mail on 03/06/14 Matemal grandmother: SYLVIA SUAREZ LOPEZ –	
✓			served by mail on 03/06/14	
✓	Conf. Screen		, , ,	
✓	Letters		Petitioner states that she has cared for Adrianna	
✓	Duties/Supp		since she was released from the hospital at birth.	
	Objections		Her mother tested positive for drugs and CPS placed Adrianna in her care. The mother is	
	Video		unable to care for Adrianna. Petitioner states	
	Receipt		that it is in Adrianna's best interest to remain in	
✓	CI Report		her care.	
	9202			
✓	Order		Court Investigator Samantha Henson filed a	
	Aff. Posting		report on 03/26/14.	Reviewed by: JF
	Status Rpt			Reviewed on: 03/28/14
✓	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 14 - Ramirez

Atty

Thomas, Derek D. (pro per – Petitioner)

Petition for Probate of Will and for Letters Testamentary; (Prob. C. 8002, 10450).

DC	D: 07/24/07	DEREK D. THOMAS , relationship not	not NEEDS/PROBLEMS/COMMENTS:	
		stated, is Petitioner, and requests	Ne	eed Amended Petition based on, but not limited
		appointment as Executor.		the following:
			1.	The Petitioner requests appointment as
┢	1.6	IAEA – not addressed		Executor, but the Petition has conflicting
Co	nt. from			information as to whether the decedent had a
	Aff.Sub.Wit. ?	Bond – not addressed		will or died intestate (without a will). Need more
✓	Verified			information/amended Petition with consistent and correct information.
	Inventory	Will dated?? or Decedent died	2.	The estimated value of the estate in the Petition
	PTC	intestate?? (See note 1)		is unclear and does not appear to add up.
	Not.Cred.	Residence: Fresno		Need amended Petition.
	Notice of Hrg X	Publication: NEED	3.	The Petition is incomplete at item 5 regarding the survivors of the decedent. The petition
	Aff.Mail X			indicates that the decedent did not have a
	Aff.Pub. X	Estimated Value of the Estate:		spouse, however, the Petition is not marked at
		Annual income- \$100,000.00		item 5(a)(2)(a) – divorced or never married or
	Sp.Ntc.	Real property- \$225,000.00?		(b) – spouse deceased. The Petition is not
	Pers.Serv.	Total - \$325,000.00?		marked at item 5(a) (7) or (8) re issue or no issue
	Conf. Screen		4.	of a predeceased child. Item 8 of the Petition only lists Petitioner.
✓	Letters	Probate Referee: RICK SMITH	4.	Petitioner's relationship to the decedent is not
✓	Duties/Supp			stated. Note: If the decedent had a
	Objections			predeceased spouse or any predeceased
	Video			children their names, relationship to decedent
	Receipt			and dates of death should be listed in item 8 of
	CI Report			the Petition. All of decedent's children (whether living or deceased) must be listed in
	9202			item 8 of the Petition. If the decedent had
./				predeceased children, then their children (if
	Order			any) must be listed in item 8 of the Petition.
			5.	Need proof of Publication.
			6.	Need Notice of Petition to Administer Estate
				(form DE-121) and proof of service by mail at
				least 15 days before the hearing of Notice of Petition to Administer the Estate on all relatives
				listed in item 8 of the Petition.
			7.	The issue of bond is not addressed.
				te: Petitioner is encouraged to seek legal advice
			an	d assistance with the administration of this estate.
	Aff. Posting			viewed by: JF
	Status Rpt		Reviewed on: 03/28/14	
	UCCJEA		Updates:	
	Citation		Recommendation:	
	FTB Notice		File	e 15 - Thomas
				15

Augustus, Carolyn (pro per – grandmother/Petitioner)

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Age: 3 months GENERAL HEARING 05/22/14 NEEDS/P			DS/PROBLEMS/COMMENTS:	
	nt. from Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg × Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv. × Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order	CAROLYN AUGUSTUS, grandmother, is Petitioner. Father: JONTE LEE Mother: TERESA LEE Paternal grandparents: NOT LISTED Maternal grandparents: NOT LISTED Petitioner alleges that the minor's father is currently incarcerated and the mother is not mentally stable. Petitioner states that she is very concerned for her grandson and requests temporary guardianship so that she can care for him.	2. Fr 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Wylette Lollis is listed as a co-petitioner in item 1 of the Petition, however Ms. Lollis did not sign the Petition, did not complete a confidential guardian screening form, the duties, or any other required document. Therefore it is unclear whether Ms. Lollis was intended to be a co-petitioner. Need more information and amended documents if Ms. Lollis is to be a co-petitioner. Note: The Examiner has prepared the notes for this hearing based on Carolyn Augustus as the only petitioner. Petitioner does not state whether she is the maternal or paternal grandmother to the minor. Further, Ms. Augustus indicates that she is the great-grandmother on the Probate Guardianship Questionnaire. The Child Information Supplement is incomplete and does not list the relatives of the minor other than the mother and father. Need amended Child Information attachment that is complete and clarification as to Ms. Augustus' relationship to the child. The UCCJEA is incomplete and does not list any residence information for the minor. Need completed UCCJEA. Need Notice of Hearing. Need Proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Temporary Guardianship Petition or Consent & Waiver of Notice or Declaration of Due Diligence for: a. Jonte Lee (father) b. Teresa Lee (mother)
	Aff. Posting			ewed by: JF
	Status Rpt			ewed on: 03/28/14
✓	UCCJEA		Updo	ates:
	Citation		Reco	ommendation:
	FTB Notice		File	16 - Lee